

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

<b>NANCY HUBBARD,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. _____</b>
	)	<b>Removed from the Circuit Court for</b>
<b>v.</b>	)	<b>Sumner County, Tennessee</b>
	)	<b>Case No. 83CC1-2020-CV-739</b>
<b>PUBLIX SUPER MARKETS, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**NOTICE OF REMOVAL**

Defendant, Publix Super Markets, Inc. ("Publix") respectfully removes this action to the United States District Court of Tennessee Pursuant to 28 U.S.C. §§ 1441, 1332, 1446. In support of this Notice of Removal, Publix states as follows:

1. On August 26, 2020, Publix was served through its registered agent with a copy of Plaintiff's complaint styled *Nancy Hubbard v. Publix Super Markets, Inc.*, Case No. 83CC1-2020-CV-739, Circuit Court for Sumner County, Tennessee at Gallatin ("State Court Action").
2. Copies of all process, pleadings, papers, and orders served upon Publix in the State Court Action are attached as Exhibit 1. 28 U.S.C. § 1446(a).
3. Pursuant to the State Court Action complaint, Plaintiff is domiciled in Tennessee.
4. Publix Super Markets, Inc. is a Florida corporation with its principle place of business located at 3300 Publix Corporate Parkway, Lakeland, Florida 33811.
5. Based upon the State Action complaint and upon information and belief, the amount in controversy for the claims against Publix exceeds \$75,000.00.

6. The State Court Action is within the Court's original jurisdiction pursuant to 28 U.S.C. §1332 because complete diversity of citizenship exists between Plaintiff and Publix, and the amount in controversy exceeds \$75,000.00.

4. Venue is proper in this Court, as this Court is in the District in which the underlying State Court Action was pending. 28 U.S.C. § 1441(a).

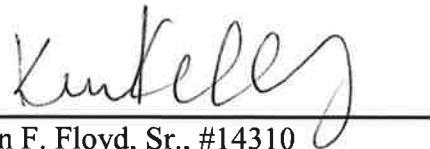
5. Removal is timely. Publix was served by Certified Mail on August 26, 2020 and this Notice of Removal is within thirty days of service of the Complaint. 28 U.S.C. § 1446(b).

6. Publix is the only defendant to have been joined and served; therefore, there is no other defendant whose consent to removal is required. 28 U.S.C. § 1446(b).

7. Publix will promptly serve written notice of the removal of the State Court Action upon Plaintiff's counsel and shall file a copy of the Notice with the Clerk of the Circuit Court for Sumner County, Tennessee. 28 U.S.C. § 1446(d).

**WHEREFORE**, Defendant Publix Super Markets, Inc. hereby removes the State Court Action to this honorable Court.

Respectfully submitted,



John F. Floyd, Sr., #14310  
Kennedy E. Kelly., #035133  
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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on **September 22, 2020**, a full and complete copy of the foregoing Notice of Removal was sent by regular U.S. first-class mail, postage prepaid, to the following parties or counsel:

Zachary C. Smith  
Rocky McElhaney Law Firm, P.C.  
VIA EMAIL: [zack@rockylawfirm.com](mailto:zack@rockylawfirm.com)  
475 Saundersville Road  
Hendersonville, TN 37075

Rocky McElhaney  
Rocky McElhaney Law Firm, PC  
475 Saundersville Road  
Hendersonville, TN 37075

A handwritten signature in cursive script, appearing to read "Kelly", is written over a horizontal line.

Kennedy E. Kelly